IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

    Lawrence E. Lyles, et al.

Serial No.: 10/729,403

Filed: December 5, 2003

Confirmation No.: 9580

Group Art Unit: 2142

Examiner: Frink, John M.

Docket No. 190250-1480

For: TELECOMMUNICATIONS ASSIGNMENT SYSTEM

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop: AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

The final Office Action mailed March 21, 2008 has been carefully considered. Please consider the following remarks.

AUTHORIZATION TO DEBIT ACCOUNT

It is believed that no extensions of time or fees for net addition of claims are required, beyond those which may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required therefor (including fees for net addition of claims) are hereby authorized to be charged to deposit account no. 20-0778.

REMARKS

Rejections under 35 U.S.C. §103 are Improper

Claims 1-3, 5-7, 9, 11, 13-15, 17, 19, and 21-23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *BTAS User Documentation* in view of *Reynolds* (U.S. Patent Publication No. 2003/0126195 A1). Claims 1-3, 6, 7, 9, 11, 13-15, 17, 19, and 21 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over *Wickham* (U.S. Patent No. 6,307,546 B1) in view of *Reynolds* (U.S. Patent Publication No. 2003/0126195 A1). Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Goodwin* (U.S. Patent No. 6,970,851 B2). Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Zimmer* (U.S. Patent Publication No. 2003/0051226 A1). Claims 8, 16, and 24 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Edwards* (U.S. Patent No. 5,590,360). Claims 22 and 23 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *Wickham* in view of *Reynolds* in further view of *Kidder* (U.S. Patent No. 6,445,774 B1). Claims 4, 12, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Jain* (U.S. Patent Publication No. 2003/0224339 A1). Claims 10 and 18 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable by *BTAS User Documentation* in view of *Reynolds* in further view of *Song* (U.S. Patent No. 6,742,018 B1).

A review of the *BTAS User Documentation*, *Reynolds*, *Wickham*, *et al.* references, however, reveal that the references and the proposed combinations do not teach each and every feature of Applicants' claims as is required by 35 U.S.C. § 103. Accordingly, clear errors exist in the examiner's rejections and omissions exist of one or more essential elements needed for a *prima facie* rejection.

For example, *Reynolds* describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a

2

network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. In particular, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *BATS* in view of *Reynolds* fails to teach or suggest at least "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1.

In addition, *Wickham* describes a "PC-based craft interface product 63 (FIG. 4) programmed with the Snialltalk object-oriented language, which can <u>be plugged into a terminal</u> 12." Col. 6, lines 16-20 (Emphasis added). Each "Litespan^{TM} terminal 12 has common control (CC) banks 28 and access multiplexers including fiber banks 30 for various kinds of fiber connections and channel banks 32 for various kinds of subscriber drops such as POTS, ISDN, HFC." Col. 5, lines 48-52. Accordingly, *Wickham* does not disclose that a computer can retrieve assignments using a web interface. As such, *Wickham* fails to disclose or suggest at least "graphical user interface logic operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1. Moreover, the final Office Action states that *Reynolds* discloses graphical formats displayed using web interfaces, where the claimed subject matter recites that "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications
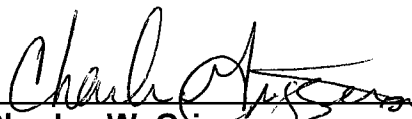
3

telemetry equipment." *Reynolds* describes that "web interfaces were also created to allow administrators to remotely control network devices through web pages." *See* para. 0002. *Reynolds* further describes that a common command code maybe received by a network device application regardless of which command interface (*e.g.*, web, CLI, NMS, *etc.*) initiated the command. *See* para. 0005. As previously explained, *Reynolds* describes how a user can log into a NMS client using an interface and issue commands to the network device. As such, *Reynolds* does not disclose a web graphical interface that allows for assignments of telecommunication telemetry equipment and displaying of telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment. For at least this reason, *Wickham* in view of *Reynolds* fails to teach or suggest at least "graphical user interface logic [is] operable to retrieve assignments from the database, and to display the assignments to a user in a graphical format using a web interface which includes displaying the telecommunications telemetry equipment in a graphical format substantially similar to a physical construction of the telecommunications telemetry equipment," as recited in claim 1. Therefore, claim 1 is patentable over *Wickham* in view of *Reynolds*, and the rejection should be withdrawn. *BTAS User Documentation*, *Goodwin*, *Zimmer*, *Edwards*, *Kidder*, *Jain*, and *Song* do not remedy the deficiencies of *Wickham* and *Reynolds*.

For at least these reasons, the proposed combinations fail to establish a *prima facie* case of obviousness. For similar reasons as the foregoing, claims 2-24 are also patentable over the proposed combinations.

4

CONCLUSION

As is apparent from the foregoing, the cited references are woefully deficient in disclosing Applicants' claims. Therefore, application of the cited references against Applicants' claims under 35 U.S.C. §103 rises to the level of clear legal and/or factual error. Applicants therefore request that the rejections of the final Office Action be withdrawn and a new, non-final Office Action, or Notice of Allowance, be issued.

Respectfully submitted,

Charles W. Griggers
Registration No. 47,283